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RUEAIIA/CIA WASHDC PRIORITY  
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RUEKJCS/JOINT STAFF WASHDC PRIORITY  
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SUBJECT: OMAR KHADR INTERROGATION DVD RELEASED

REF: Ottawa 828

**¶1.** (SBU) Summary: Omar Khadr's Canadian lawyers on July 15 released DVDs containing the 2003 interrogation of their client by Canadian Security and Intelligence Service (CSIS) agents at Guantanamo Bay. Khadr's lawyers and friendly media characterized the content as "disturbing" and hoped the material would sway the government into demanding the United States repatriate Khadr to Canada. The initial public reaction to the DVDs was strongly divided. The Canadian government meanwhile has not commented on the release of the DVDs. End summary.

**¶2.** (U) At 05:00 ET on July 15, Omar Khadr's Canadian legal team released a ten minute edited "highlights" reel from a DVD containing video images of Canadian Security Intelligence Service (CSIS) interrogations of their client at Guantanamo Bay in 2003. The excerpt was posted on the internet and dominated the morning news cycle. Khadr's lawyers released the complete eight hour taped interrogation at a 13:00 ET press conference. The original DVD had been made by U.S. officials in 2003 and then shared with CSIS. CSIS turned over the classified material to Khadr's lawyers following a June 25 Federal Court of Appeal ruling that CSIS officials had violated Khadr's constitutional rights in interrogating him while in U.S. custody in Guantanamo. The Court ordered that Khadr be given selected material, including the DVD, relevant to his defense in U.S. military proceedings to use as his lawyers saw fit, including release to the media in a form and at a time of their choice.

**¶3.** (SBU) The release of the DVDs was synchronized with televised commentary from Khadr's U.S. military lawyer Lt. Cmdr. Bill Kuebler and lead Canadian lawyer Dennis Edney. Kuebler told Canadian television news watchers that Prime Minister Harper had abandoned Khadr in order to "curry favor" with U.S. President George Bush. Khadr's legal team characterized the DVD contents as "disturbing" and said that they hoped that the material would "shame" the Harper government into pressing for their client's release. They argued that CSIS officials in 2003 disregarded Khadr's circumstances, seemed fully aware of the treatment to which he had been subjected, and appeared to know that the interrogation was "probably illegal, but went ahead with it anyway." The release also elicited sympathetic commentary in print media, including op-eds written by various human rights NGOs. Amnesty International reiterated its argument that Khadr was a 15-year old "child soldier" when he was detained on the battlefield in Afghanistan in July 2002, and charged that PM Harper was complicit in the "injustice" perpetrated against Khadr by refusing to intervene on his behalf with the United States government.

**¶4.** (SBU) The DVDs contained the public's first glimpse of conditions

inside Guantanamo Bay and of CSIS interrogation techniques. From a security perspective, Canadian analysts emphasized that the release of the material underlines the fact that CSIS is now operating in a new climate of public scrutiny, both in its conduct and in its handling and disclosure of sensitive material. The Khadr DVDs provided no evidence of abuse, although media outlets described the scenes as "hard to watch" because of Khadr's evident emotional distress. The long-term impact of the material on public opinion is unclear, but initial reaction appears to reinforce existing strongly-held divisions among Canadians about the case. Canadian news services report receiving "hundreds" of online comments, equally divided between sympathy and hostility directed at Khadr, with almost no "middle ground."

¶5. (SBU) The Canadian government has not commented on the release of the DVDs. Last week, PM Harper reiterated his government's consistent position that Khadr faced serious charges and that there was "no real" legal alternative to allowing the U.S. military case against him to proceed (reftel). Although the case has spanned both the previous Liberal and present Conservative governments, the Conservatives are now alone in arguing that the U.S. case against Khadr should run its course. All three opposition parties support the return of Khadr to Canada. In reaction to the DVDs, Official Opposition Liberal foreign affairs critic MP Bob Rae called for

Khadr "to face Canadian justice rather than American martial law," an essentially political sound-bite as there is no consensus among Canadian legal experts in Canada as to whether legal grounds exist to try Khadr in Canada, and no expectation that any Canadian court would convict him. The left-leaning New Democratic Party (NDP) called for Khadr to be returned to Canada and rehabilitated. The Conservatives are likely gauging public reaction to the images carefully, but no change in current official policy appears likely.

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